

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**UNITED STATES OF AMERICA**

§

§

**v.**

§

**CRIMINAL NO. 9:05-CR-5**

§

**JORGE ABOYTOS MENDOZA**

§

**REPORT & RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

On April 30, 2014, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Jorge Aboytos Mendoza. The government was represented by Alan Jackson, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Greg Waldron.

Defendant originally pled guilty to the offenses of Possession of a Firearm During and in Relation to a Drug Trafficking Crime, a Class A felony. This offense carried a statutory maximum imprisonment term of life. The guideline term of imprisonment was the statutorily required term of five years. U.S.S.G. § 2K2.4. On August 4, 2005 U.S. District Judge Ron Clark of the Eastern District of Texas sentenced Defendant to 60 months imprisonment followed by 3 years supervised release, subject to the standard conditions of release plus special conditions to include financial disclosures, drug testing and treatment, and a \$100 special assessment. On February 17, 2012, Jorge Aboytos Mendoza completed his period of imprisonment and began his term of supervised release.

In pertinent part, the government's petition alleges that Defendant violated his terms of supervised release on January 8, 2014, when he pled guilty to Felon in Possession of a Firearm in the Eastern District of Texas in case number 6:13-cr-55-1.

If the Court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by his conviction of the offense of Felon in Possession of Firearm, Defendant will have committed a Grade B violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade A or B violation, the Court shall revoke probation or supervised release. U.S.S.G. § 7B1.3(a)(1). Considering Defendant's criminal history category of I, the Guideline imprisonment range for a Grade B violation is 4 to 10 months. U.S.S.G. § 7B1.4(a).

At the hearing, Defendant pled true to the allegation set forth above. The government recommended a term of imprisonment of 10 months.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court **RECOMMENDS** that Jorge Aboyto Mendoza be committed to the custody of the Bureau of Prisons for a term of imprisonment of 10 months, to run concurrently with the term of imprisonment imposed in 6:14-cr-14 and consecutively with the term of imprisonment imposed in 6:13-cr-55, with no supervised release to follow. The Court further **RECOMMENDS** that the place of confinement be FCI Beaumont, Texas.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to U.S. District Judge Ron Clark for adoption immediately upon issuance.

**So ORDERED and SIGNED this 6th day of May, 2014.**

  
\_\_\_\_\_  
JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE